

Approved: 6/21/06

MINUTES
HANOVER CONSERVATION COMMISSION
June 7, 2006



Members/Staff present: Deke Moore, Chairman
 Neal Merritt, Vice Chair
 Laura Horky, Hearing Officer
 Patrick Gallivan, Conservation Agent
 Sandra D. MacFarlane, Conservation Comm. Secretary

Members/Staff not present: (two Commission positions vacant)

Others present: Attached List

The meeting was called to order at 7:00 PM by Acting Chair Deke Moore, letters of resignation from the Vice Chair, James M. Smith and Chair Stephen T. O'Leary were reviewed, resignations having taken effect as of 5/17/06 and 6/1/06 respectively.

A motion was made and seconded (Commissioner Horky and Hearing Officer Merritt) to reorganize the Commission.

VOTE: DM- yes, NM- yes, LH-yes: to reorganize the Commission.

Nominations were taken for Chairman, Vice Chairman and Hearing Officer with the following results:

Chairman: Deke Moore

Vice Chairman: Neal Merritt

Hearing Officer: Laura Horky

VOTE: DM- yes, NM- yes, LH-yes: for the above listed reorganization of the Conservation Commission.

Chairman Moore announced that there would be a temporary adjournment of the Conservation Commission Meeting to reconvene as Joint Meeting with the Board of Selectmen at 7:05 PM in the Board of Selectman's Office.

7:05 PM

Joint meeting with Board of Selectmen- Interviews with Commission Member Candidates.

Chairman Moore reconvened the Conservation Commission meeting at 7:43 PM.

PUBLIC HEARINGS/MEETINGS:

7:45 PM **BL 06-19, 23 Ledgewood Drive-** RDA- *FOR ABOVE GROUND POOL*

PRESENT: Paul Austin, Property Owner

DISCUSSION: Mr. Austin presented a plan for a 28' round above ground swimming pool and explained that to ensure a level base for the pool, a portion of the lawn area

would be disturbed. He requested and was granted permission to use the soil and sod removed during installation of the pool in the surrounding lawn area to level the yard.

The Commission raised the question of a dry well, pool water filtration and discharge. Mr. Austin presented information on a swimming pool filter aid called Purifiber which is a non-toxic, biodegradable product and stated that at the end of the season, the amount of chlorine in the water will be reduced to 1 part per million prior to discharge through the filter. The Commission approved the filter system in lieu of constructing a dry well.

VOTE: DM=yes, NM=yes, LH= yes: **to close the hearing and issue Negative Determination of Applicability and approval of the Purifiber filtration system with the requirement of a site inspection for erosion control by the Conservation Agent. Final location of the erosion control to be determined and approved by the Conservation Agent on site.**

8:05 PM **BL 06-22, SE 31-911, 289 Olde Forge Road-** NOI- *FOR 2 ADDITIONS and POOL*
PRESENT: David Bristol, Property Owner, and Kelsey Richardson, Merrill Associates, Inc., Applicant's Representative.

DISCUSSION: Ms. Richardson presented the project and submitted a report dated 5/18/06 from Wetland Specialist John Richardson. Also noted was that maintenance of the swale shown on the plan was the responsibility of the homeowners as per their deeds. The Agent reported the excellent condition of the buffer zone on the site and commended the home owner for his efforts. It was noted that Victor Diniak, DPW Superintendent, had reviewed the project with no objections.

Mr. Timothy Gillespie raised concerns with water flow to his property and possible increase to the ground water related to the project. Chair Moore explained the pre- and post-construction run-off standard within the permit that the engineering firm/applicant's must adhere to. Upon suggestion of further review by an independent wetland specialist, it was brought to the Commission's attention that the applicant would be required to establish a Guaranteed Deposit Account with the town to pay for the expert services. An alternative arrangement was made to hold an informational meeting with Mr. Gillespie, the property owner and Ms. Richardson.

VOTE: DM=yes, NM=yes, LH= yes: **to close the hearing and issue an Order of Conditions with a condition that requires the property owner and their representative to meet with Abutter Timothy Gillespie and provide to the Commission a written report including the results of said meeting.**

8:25 PM **BL 06-20, SE 31-910, 272 Whiting Street (Lot 1)-** NOI- *FOR SFD & POOL*

PRESENT: Kelsey Richardson, Merrill Associates, Inc., Applicant's Representative

DISCUSSION: Ms. Richardson explained the project and noted that the septic design and location has Board of Health approval. A brief discussion ensued concerning the easement on the property. It was suggested that the applicant verify the type and use of the easement as per the deed on the property.

VOTE: DM=yes, NM=yes, LH= yes: **to close the hearing and issue an Order of Conditions with a condition that requires the submission of written verification of the type and use of the easement on the property and that the "right of way easement" does not impact the project as approved.**

8:40 PM **BL 06-21, SE 31-909, 272 Whiting Street (Lot 2)- NOI- FOR POOL & CABANA**

PRESENT: Kelsey Richardson, Merrill Associates, Inc., Applicant's Representative

DISCUSSION: Ms. Richardson explained the project as the installation of an inground swimming pool and cabana in association with the construction of a single family dwelling and noted that the septic design and proposed location awaits Board of Health approval. A brief discussion ensued concerning the location of the swale on the site.

VOTE: DM=yes, NM=yes, LH- yes: **to close the hearing and issue an Order of Conditions with a condition that requires submission of Board of Health approval of the septic design system and location within fourteen (14) days of the date of issuance of the OOC.**

9:00 PM **BL 06-24, SE 31-____, 1764 Washington St. (Bank of America)- NOI-**
FOR DEMO & NEW COMMERCIAL BLDG.

PRESENT: Gary Davis, Trammell Crow Corp., Paula Thompson, Waterman Design Association, and Attorney Stacy Shunk, Bank of America, Applicant's Representatives

DISCUSSION: Ms. Thompson explained the project as the demolition of the existing Bickford's Restaurant building, removal of all pavement and construction of a commercial bank building for Bank of America. The project as proposed includes a redesign of the septic system and locates it outside of the 100 ft. buffer zone to wetlands. An existing conditions/ Proposed Septic Design plan dated 6/7/06 was submitted for the Commission's review. Mr. Davis stated that he was coordinating with Wind River Environmental on the new septic design. It was noted that upon the approval of the current plan, the approved plan of record for SE 31-891- Bickford's Restaurant, becomes void and that a Request for a Certificate of Compliance is necessary under the "work never commenced" category.

The Commission reviewed stormwater calculations. Ms. Thompson stated that the Operation and Maintenance Plan prohibits snow removal into the wetlands. A brief discussion ensued concerning low impact development techniques that were recommended with the former Bickford's project. Ms. Thompson noted that the landscaping design meets the Planning Board requirements and also the safety requirements for a bank project. A revised Sheet 7 of the current plan and a detail sheet for the swale and Biofilter swale were submitted.

Mr. Davis noted that the Board of Health, Zoning Board of Appeals, and Planning Board are scheduled to issue decisions within the month.

VOTE: DM=yes, NM=yes, LH- yes: **to close the hearing and issue an Order of Conditions contingent upon the issuance of a DEP file number and with a condition that requires submission of written verification of Board of Health, Planning Board and Zoning Board of Appeals approval, as well as the submission of a revised plan showing the proposed septic system location.**

Also that the Order of Conditions shall include the following statement:

"The OOC issued for the current project Bank of America, and its final plan of record, supersedes the OOC issued under SE 31-891, Bickford's Restaurant due to the fact that the engineering firm, Wind River Environmental, has redesigned the septic disposal system and relocated it entirely outside of the 100 foot buffer zone to wetlands.

Wind River has indicated that they will submit a Request for a Certificate of Compliance to close out the initial OOC as work never commenced under SE 31-891.”

9:25 PM **BL 06-23 SE 31-912, 454 Broadway-** NOI- *see Applicant's request to continue to 6/21/06*

PRESENT: none

VOTE: DM=yes, NM=yes, LH= yes: **to continue the hearing to 6/21/06 at 7:30 PM as per the Applicant's request.**

9:30 PM **BL 06-17, SE 31-906, 21 Elijah's Path (Lot 5)-** NOI- *FOR POOL associated w/ SFD*

PRESENT: Kevin Grady, Grady Consulting, LLC, Applicants' Representative

DISCUSSION: Mr. Grady explained that the four hearings tonight for lots on Elijah's path are located in a subdivision approved by the Commission and gave a brief history of the wetland issues and lot configurations. The date of wetland flagging for the current single family dwelling proposal was discussed and noted to be the same as that used for the Notice of Resource Area Delineation for the subdivision, September of 2003. Condition 24 of the subdivision permit, SE 31-834 was reviewed resulting in the Commission's approval of the wetland flagging as per the current plan.

A brief discussion of mature tree removal ensued resulting in the requirement for on-site discussion and approval of the Conservation Agent prior to the removal of mature trees in the buffer zone to wetlands on this site. The Commission noted the placement of permanent setback markers/conservation posts. Mr. Grady explained the placement of the posts was as per the subdivision permit, but agreed to add two posts.

VOTE: DM=yes, NM=yes, LH= yes: **to close the hearing and issue an Order of Conditions with conditions as follow:**

- 1. that the determination of mature tree removal within the 100 ft. buffer zone to wetlands shall be under the supervision of the Conservation Agent and may be determined on site,**
- 2. installation of a dry well for pool water discharge,**
- 3. installation of two additional permanent setback markers/conservation posts,**
- 4. the Commission approves and accepts the wetland line as accurate, as of the date of the approved plan of record, and**
- 5. submission of a revised plan with location of conservation posts, pool dry well, correct Assessor's reference, and the date of approved wetland delineation as approved by the Commission.**

9:55 PM **BL 06-15, SE 31-913, 30 Elijah's Path (Lot 3)-** NOI- *DECK, POOL, CABANA, associated w/ SFD*

PRESENT: Kevin Grady, Grady Consulting, LLC, Applicants' Representative

DISCUSSION: Mr. Grady explained the project noting relationship to the previous hearing and submitted a revised plan dated 6/7/06 which listed the correct Assessor's Reference.

VOTE: DM=yes, NM=yes, LH= yes: **to close the hearing and issue an Order of Conditions with conditions as follow:**

- 1. installation of a dry well for pool water discharge,**
- 2. the Commission approves and accepts the wetland line as accurate as of the date of the approved plan of record.**

- 3. submission of a revised plan with the date of approved wetland delineation as approved by the Commission.**

10:15 PM **BL 06-16, SE 31-907, 27 Elijah's Path (Lot 4)- NOI- FOR SFD**

PRESENT: Kevin Grady, Grady Consulting, LLC, Applicants' Representative

DISCUSSION: Mr. Grady explained the project noting relationship to the previous hearings and submitted a revised plan dated 6/7/06 which listed the correct Assessor's Reference. He also noted that approval of the septic design is pending from Board of Health.

VOTE: DM-yes, NM-yes, LH- yes: to close the hearing and issue an Order of Conditions with conditions as follow:

- 1. submission of written verification of approval by the Board of Health of the septic design**
- 2. the Commission approves and accepts the wetland line as accurate as of the date of the approved plan of record.**
- 3. submission of a revised plan with the date of approved wetland delineation as approved by the Commission and the date of septic system design and location approval from the Board of Health..**

10:30 PM **BL 06-18, SE 31-908, 9 Elijah's Path (Lot 6)- NOI- FOR SFD & DECK**

PRESENT: Kevin Grady, Grady Consulting, LLC, Applicants' Representative

DISCUSSION: Mr. Grady explained the project noting relationship to the previous hearing and submitted a revised plan dated 6/7/06 which listed the correct Assessor's Reference . Mr. Grady noted that the proposal had been changed to include a reduction in the size of the inground swimming pool. The length of the pool was reduced by six (6) feet resulting in a 20' x 30' pool.

VOTE: DM-yes, NM-yes, LH- yes: to close the hearing and issue an Order of Conditions with conditions as follow:

- 1. installation of a dry well for pool water discharge,**
- 2. the Commission approves and accepts the wetland line as accurate as of the date of the approved plan of record.**
- 3. submission of a revised plan with the location of the dry well for pool discharge, reduced size of pool, and date of approved wetland delineation.**

ACTION ITEMS:

- 1. Conservation Parcel- Special Use Permit- Luddam's Ford Park- Children's Weekly Art Class Series**

VOTE: DM-yes, NM-yes, LH- yes: to approve the Special Use Permit

- 2. Requests for Cert. of Compliance w/ release of Performance Escrow funds-
SE 31-479- 854 Broadway**

VOTE: DM-yes, NM-yes, LH- yes: to issue a Cert. of Compliance (COC) with the release of Escrow funds.

3. **Requests for Certificate of Compliance-** 72 Lally Farms Drive and The Elms
SE 31-861, 72 Lally Farms Drive

VOTE: DM=yes, NM=yes, LH- yes: **to issue a COC for 72 Lally Farms Drive**

SE 31-696A, The Elms Subdivision

DECISION: The Agent reported that upon conducting a site inspection for the COC request for the subdivision known as The Elms, SE 31-696A, it was difficult to determine whether or not the wetland replication area was established and growing according to the approved Replication/Planting Plan. The most recent report, completed by the Applicant's Wetland Specialist at Rimmer Environmental, had not yet been received by the Conservation Office. Upon receipt of the plan, the Conservation Agent and Commissioner Laura Horky will review and conduct a site inspection. This item will be revisited at the 6/21/06 meeting of the Conservation Commission.

4. **Release of Guaranteed Deposit Funds:** 1226 Webster Street
SE 31-859, 1226 Webster Street

VOTE: DM=yes, NM=yes, LH- yes: **to release fund Guaranteed Deposit Funds.**

5. **Requests for an Extension Permit:** 153 Deerfield Lane and 219 Stonegate Lane
153 Deerfield Lane SE31-628, BL 00-33

VOTE: DM=yes, NM=yes, LH- yes: **to issue a three year Extension Permit**

BLOOC 03-34, 219 Deerfield Lane (Lot 27A).

VOTE: DM=yes, NM=yes, LH- yes: **to issue a three year By-Law Extension Permit**

ADMINISTRATIVE:

☒ Minutes to be reviewed at 6/21/06 meeting .

☒ Sign Bills- **signed.**

☒ **Summer Meeting Schedule**

VOTE: DM=yes, NM=yes, LH- yes: **to cancel two regularly scheduled Conservation Commission meetings (7/5/06 and 8/2/06 meetings).**

☒ **Permanent Setback Markers/Conservation Posts-**

DECISION: The Commission approved the following wording for inclusion in conservation permits in an effort to standardize the distance between conservation posts: "...permanent setback markers/conservation posts shall be placed at a minimum of 25 ft apart and in locations as per the approved plan of record. This distance may be adjusted as determined in the field by the Conservation Agent."

☒ **Procedure for Board of Health septic design approval v.s. wetland line approval**

DECISION: In an effort to standardize processes and clarify procedures for the applicants, the Commission discussed the application acceptance procedure. Board of Health requires approval of the wetland line prior to septic design approval. In order to

accommodate both the Board of Health and applicants, the Commission approved the following procedure:

“wetland line review and verification may be conducted on a preliminary basis by the Conservation Agent for Board of Health review prior to the submission of an application to the Conservation Commission or the opening of a public hearing with the Conservation Commission.” It was also noted that the Applicants should make every effort to obtain Board of Health or other departmental approvals prior to submission with the Conservation Commission.

The meeting was adjourned at 10:45.

Minutes Respectfully submitted 6/14/06
Sandra D. MacFarlane, Conservation Commission Secretary

